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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,650	02/13/2004	Ma-Li Wang	63349.00002	5617

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EXAMINER

JOHNSON, JERROLD D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,650

Applicant(s)

WANG, MA-LI

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,9,10 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,11,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 4,5,9,10 and 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 15 April 2005.

Applicant's election with traverse of the requirement in the reply filed on 15 April 2005 is acknowledged. The traversal is on the ground(s) that there is burden to the Examiner with respect to the examination of the non-elected species. This is not found persuasive because each of the non-elected species include elements (their second fastening portions) that were not searched for the elected species.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to because of an inconsistency between the bottom view of Fig. 7 and the side view of Fig. 4. The bottom view in Fig. 7, like the other bottom views, Figs. 2,3, and 5, shows the entire support piece disposed within the perimeter of the base of the bag, whereas the side view, Fig. 4, shows the support piece extending beyond the perimeter so as to allow the attachment of the leg.

The Examiner might not fully appreciate the side view of Fig. 4, and how that view is consistent with the bottom views. However, the explanation provided by the Applicant did not explain the perceived difference between the various bottom views, including Fig. 7, and the side view Fig. 4.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

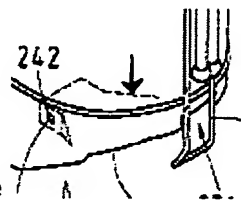
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3,6-8,11,15 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Cheng.

Cheng discloses a golf bag sustained with leg means comprising a bag body; a base mounted at the bottom of the bag body and having a flat surface portion 22, an anchored portion, and an inclined plane portion; and a support piece detachably mounted at the bottom of the base. The inclined plane portion includes a first recess portion to receive the support piece. The support piece comprises a sheet and a pair of opposing first fastening portion 253 and second fastening portion 251 formed on the sheet, wherein the first fastening portion 253 is assembled with the leg means, and the second fastening portion 251 is coupled to the anchored portion, so as to support the golf bag up by means of the assembled leg means and support piece.

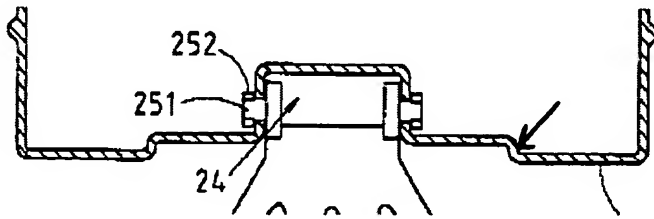
The evidence of the recess in the inclined plane portion is best seen in Figs. 9 -



11. Beginning with Fig. 10, note the dotted line extending from the anchored portion toward the front of the bag. This dotted line would not be shown were there not a surface for which the dotted line is representative. Fig. 9 discloses, rather

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conclusively, that the surface disclosed by the dotted line of Fig. 10 is the vertical surface separating a recess from the inclined plane portion of the base.



The height of the vertical surface corresponds to the thickness of the support piece. Additionally, the recess shown in Fig. 9 is of a width that corresponds to the width of the support piece, and the dotted lines in Fig. 10 are also of the same shape as to correspond to the support piece. This vertical surface is not shown in Fig. 11, as it would be covered by the support piece.

With respect to claim 2, the anchored portion is a parallelogram-shaped opening. Note that the recess within which the second fastening portion is defined by two pairs of opposing parallel edges.

With respect to claim 3, note that the anchored portion comprises symmetrical openings 241.

With respect to claim 7 see Fig. 11, which shows the second recess.

With respect to claim 8, note the thin sheet from which the sheet is manufactured. The thin sheet includes flanges (not numbered) on which fasteners 251 are disposed. The flanges would need to be deformed inwardly for the fasteners 251 to be retained within the opposing symmetrical openings. The material used in the sheet would deform under load within the elastic range to accommodate this assembly. Note column 2 line 24-32 which describes this assembly.

With respect to claim 11, note hollow portions (slots) in the sheet.

With respect to claim 15, note that the claim does not define "elastic material."

All materials, even brittle ones, will deform to some extent elastically under load.

Clearly, the support piece of Cheng will deform elastically under use.

With respect to claim 16, see the rejection of claim 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

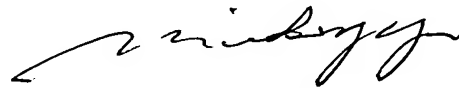
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdj



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